

§ 97.524 Compliance with TR NO_x Ozone Season emissions limitation.

(a) *Availability for deduction for compliance.* TR NO_x Ozone Season allowances are available to be deducted for compliance with a source's TR NO_x Ozone Season emissions limitation for a control period in a given year only if the TR NO_x Ozone Season allowances:

(1) Were allocated for such control period or a control period in a prior year; and

(2) Are held in the source's compliance account as of the allowance transfer deadline for such control period.

(b) *Deductions for compliance.* After the recordation, in accordance with § 97.523, of TR NO_x Ozone Season allowance transfers submitted by the allowance transfer deadline for a control period in a given year, the Administrator will deduct from each source's compliance account TR NO_x Ozone Season allowances available under paragraph (a) of this section in order to determine whether the source meets the TR NO_x Ozone Season emissions limitation for such control period, as follows:

(1) Until the amount of TR NO_x Ozone Season allowances deducted equals the number of tons of total NO_x emissions from all TR NO_x Ozone Season units at the source for such control period; or

(2) If there are insufficient TR NO_x Ozone Season allowances to complete the deductions in paragraph (b)(1) of this section, until no more TR NO_x Ozone Season allowances available under paragraph (a) of this section remain in the compliance account.

(c)(1) *Identification of TR NO_x Ozone Season allowances by serial number.* The authorized account representative for a source's compliance account may request that specific TR NO_x Ozone Season allowances, identified by serial number, in the compliance account be deducted for emissions or excess emissions for a control period in a given year in accordance with paragraph (b) or (d) of this section. In order to be complete, such request shall be submitted to the Administrator by the allowance transfer deadline for such control period and include, in a format prescribed by the Administrator, the identification of the TR NO_x Ozone

Season source and the appropriate serial numbers.

(2) *First-in, first-out.* The Administrator will deduct TR NO_x Ozone Season allowances under paragraph (b) or (d) of this section from the source's compliance account in accordance with a complete request under paragraph (c)(1) of this section or, in the absence of such request or in the case of identification of an insufficient amount of TR NO_x Ozone Season allowances in such request, on a first-in, first-out accounting basis in the following order:

(i) Any TR NO_x Ozone Season allowances that were allocated to the units at the source and not transferred out of the compliance account, in the order of recordation; and then

(ii) Any TR NO_x Ozone Season allowances that were allocated to any unit and transferred to and recorded in the compliance account pursuant to this subpart, in the order of recordation.

(d) *Deductions for excess emissions.* After making the deductions for compliance under paragraph (b) of this section for a control period in a year in which the TR NO_x Ozone Season source has excess emissions, the Administrator will deduct from the source's compliance account an amount of TR NO_x Ozone Season allowances, allocated for a control period in a prior year or the control period in the year of the excess emissions or in the immediately following year, equal to two times the number of tons of the source's excess emissions.

(e) *Recordation of deductions.* The Administrator will record in the appropriate compliance account all deductions from such an account under paragraphs (b) and (d) of this section.

§ 97.525 Compliance with TR NO_x Ozone Season assurance provisions.

(a) *Availability for deduction.* TR NO_x Ozone Season allowances are available to be deducted for compliance with the TR NO_x Ozone Season assurance provisions for a control period in a given year by the owners and operators of a group of one or more TR NO_x Ozone Season sources and units in a State (and Indian country within the borders of such State) only if the TR NO_x Ozone Season allowances: